15,165 petitions to the Commissioner (regarding the right to social protection — 66%, consumer rights — 12%, the right to work — 8%, the right to property — 6%, the right to healthcare — 5%, the right to safe environment — 1%, rights in the field of culture and education — 1%)

1,135 legal and normative acts processed and proposals submitted

294 proceedings instituted by the Commissioner

288 proceedings completed

147 monitoring visits made

3,653 acts of response and letters to the public authorities, institutions and organisations sent

Key events, challenges and tendencies

Ukraine made its civilisational choice in favour of the European development vector, which means without limitation the unconditional rule of law and justice in all the areas of public policy and social life.

Establishment of the social principle of the state in the Constitution of Ukraine provides for full social, economic and cultural human and civil rights. In the context of the full-scale invasion of Ukraine by the RF, the risks of violation of civil labour rights have increased. They include physical destruction of enterprises and large-scale job losses in the areas of active hostilities, forced migration of the population, disruption of economic connections, salary arrears, increase in unemployment rates, and undeclared labour.

Mass violations of civil rights to access to medical aid are registered in the regions of Ukraine that are affected by hostilities as a result of the armed aggression of the RF, and the quality of medical aid.

There are new threats and challenges that have resulted in larger numbers of socially unprotected and vulnerable population in need of state support.

Millions of people have lost their accommodation; the quantity of the detached houses and apartment blocks ruined and damaged as of December 2022 reached 149.3 thousand, including 131.4 thousand detached (individual) houses.

The special challenge for the educational system in the context of the full-scale war is destruction of education institutions by the aggressor. 3,021 education institutions have been damaged by bombarding and shelling, including 1.4 thousand of secondary education institutions, 865 pre-school education institutions, and 505 higher education institutions. Access to quality education is complicated under such conditions[1].

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One of the industries that has been most affected by the war is healthcare. According to Minister of Health of Ukraine Oleh Liashko[2], as of the beginning of 2023, 173 healthcare institutions had been fully ruined, and 1,218 medical infrastructural facilities had been damaged.

The RF keeps trying to destroy all the power infrastructural facilities in Ukraine. According to the National Power Company "Ukrenergo", all the major power infrastructural facilities have been damaged by the shelling. As a result, the civilian population suffers because they have no electricity, heating and water supply in autumn and winter in 2022 and at the beginning of 2023. In connection with the critical situation in the power industry, the Government applies rolling and emergency power cuts of household consumers during this period.

The effects of the armed invasion by the RF for the environmental security of Ukraine are already described as disastrous ones. All the environmental components are affected: air, soil, water, plants and animals. As a result of the occupation of the territory of Ukraine and ongoing military actions, around 20% of nature reserves with the total area of around a million hectares have been damaged and are in the areas of potential destruction.

The environmental losses as a result of hostilities are globalised and entail future consequences for the entire society since air and water contamination are endless, and losses will keep growing due to the continued hostilities.

The RF continues its attempts to areas the Ukrainian national identity. As of the end of 2022, 1,189 war crimes against the Ukrainian cultural heritage were registered. Almost one third of the cultural infrastructural facilities (446) have been utterly destroyed, which prevents access to cultural services and cultural heritage.

The competent public authorities and local self-government bodies must promptly respond to these threats and challenges in order to grant social and economic support to citizens. At the same time, the state must fulfil the obligations it had had before the martial law, and avoid limitation of the available civil rights to the maximum extent despite the existing challenges.

The Commissioner actively helps these authorities and bodies in this work, and gives necessary recommendations to prevent violations and to observe social and economic human and civil rights.

RIGHT TO SOCIAL PROTECTION

With account of the full-scale invasion by the RF and imposition of the martial law, there was a need to regulate a number of problematic issues so that citizens would be able to exercise their pension coverage and social protection rights.

In order to ensure observance of these rights, the Verkhovna Rada of Ukraine and the Government promptly adopted important legal and normative acts that introduced new mechanisms for pension payment and delivery, payment of state social assistance, benefits and housing subsidies, provision of social services during the martial law[3]. However, lots of issues required additional legislative regulation, and the Commissioner drew the attention of the competent public authorities thereto.

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Problematic issues of observance of civil rights in the field of pension coverage by the territorial bodies of the Pension Fund of Ukraine during the martial law

It was found out during the Commissioner's monitoring that the territorial bodies of the PFU had ceased to pay the disability pension and the survivor's pension to persons with disabilities in case their disability term had expired, and there was no opinion of the MSEC on confirmation of the disability for the subsequent period.

In pursuance of the Commissioner's recommendations, the right of these persons was restored: the legislative acts[4] which guaranteed automatic extension of payment of pensions to the persons with disabilities whose pensions expired during the martial law, the state of emergency in Ukraine in case they were unable to take the repeated examination by the MSEC were adopted.

The violation of the civil rights to granting (recalculation) of the pension from the date of creation of such rights in connection with their inability to submit an application and necessary documents to the territorial bodies of the PFU for reasons beyond their control within 3 months as prescribed by the legislation was detected.

The problem is regulated by the draft Law of Ukraine "On Amending the Law of Ukraine 'On Compulsory State Pension Insurance' regarding Granting of Pensions to the Persons Residing in the Temporarily Occupied Territory or the Area of Hostilities" (registration No. 8198 of 10.11.2022), which has been adopted in the first reading. In particular, this draft law provides for granting of the old-age pension, the disability pension during the martial law in Ukraine and for 3 months following its termination or cancellation, from the day when the person reaches the retirement age or is assigned disability.

There are new challenges associated with exercise of the pension coverage right by the Ukrainian citizens who reside in Ukraine, but have worked in the territory of the RF, since relations under the Agreement on the Guarantees of Rights of Citizens of the Member States of the Commonwealth of Independent States in the Field of Pension Coverage of 13 March 1992[5].

In pursuance of the Commissioner's recommendations, the Ministry of Social Policy has drafted the legal and normative acts[6] that govern the matter of granting pensions to this category of persons as well as state social assistance to the persons who are not eligible for pension and to persons with disabilities as well as state social assistance for care.

Problematic issues of observance of civil rights in the field of social protection by the social protection authorities during the martial law

The legislative clauses that regulate the matter of granting certain state social assistance, namely social assistance to families with children, low-income families, and housing subsidies during the martial law need to be revised.

In particular, it is necessary to revise point 14(5) of the Regulation on the Procedure for Granting Housing Subsidies approved by Resolution of the CMU No. 848 of 21 October 1995 (as amended by Resolution of the CMU No. 807 of 14 August 2019, as amended), as regards not granting the housing subsidy if there is

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a past-due debt for residential and utility services for more than 3 months by introducing the exception to this rule for the persons who have lost their job for reasons beyond their control, or their employment relations have been temporarily suspended for the period of the martial law, as a result of which they are unable to pay for such services.

The income of 0.5 of the minimum salary is unreasonably used to grant the state assistance to low-income families, able-bodied persons who have lost their job for reasons beyond their control, or their employment relations have been temporarily suspended for the period of the martial law[7]. In this regard, the amount of the assistance is reduced, or the right thereto is lost.

The Commissioner's recommendations were given to the Ministry of Social Policy regarding amendments to the legislation as to calculation of the average monthly aggregate income for granting of state social assistance to the persons whose employment contract has been suspended by the employer during the martial law.

Progress of implementation of the state budget programmes aimed at protection of human and civil rights in the field of social protection by the public authorities

In 2022, the Commissioner received petitions from citizens regarding failure to repay arrears of pensions/social allowances under the court decisions, which are to be repaid from the state budget by the territorial bodies of the PFU/Ministry of Social Policy.

It was found out during the Commissioner's monitoring that the funds allocated from the State Budget of Ukraine were insufficient to repay the debt and cover the actual need.

According to the PFU, its bodies started to repay the debt in 2022 only on 14 October 2022, after[8] the PFU budget for 2022 had been approved, and UAH 360.0 million were allocated for the repayment. Those funds were used in November and December 2022 to finance repayment of the debt under 9,924 court decisions which had entered into force before 08.07.2020. As of 01.01.2023, 309.1 thousand court decisions with the arrears were registered in the automated data base of the PFU.

According to the Ministry of Social Policy as the main spending unit under the budget programme KPKVK 2501290 "Ensuring enforcement of court decisions", the need for budget allocations for those goals as of 01.09.2022 made UAH 1,462.0 million whereas actual expenditures under the programme were UAH 27.0 million. As of 31.12.2022, all the funds were used to pay the annual one-time monetary assistance under the court decisions before 5 May, and the debtors were the Ministry of Social Policy and regional social protection authorities.

Response to violations of human and civil rights

In 2022, the Commissioner's Secretariat received 9,190 petitions informing of 9,767 violations of the civil rights to social protection, and 31 proceedings were instituted by the Commissioner.

A number of persistent violations of civil rights, namely the ones to pension coverage, state social assistance and compensations, status of the exonerated person etc., were detected in the field of **social protection**.

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The Commissioner received the petitions from the Ukrainian citizens who had acquired their pensionable service abroad regarding violation of their constitutional right to receive a pension in Ukraine.

The Commissioner was approached by the resident of Lviv Oblast regarding violation of his right to timely granting of the old-age pension due to impossibility of confirmation of his pensionable service for the period of work in the Kingdom of Spain from 1999 until 2018.

It was established that the petitioner had filed an application for granting the pension to the MD PFU in Lviv Oblast on 11.05.2022; as of the end of the year, the document certifying his pensionable service under the Agreement between Ukraine and the Kingdom of Spain on Social Security had not been received by the PFU from the National Institute of Social Security of the Kingdom of Spain. As a result, the petitioner did not have the right to be granted the old-age pension due to absence of the necessary pensionable service.

The corresponding right will only appear after the documents certifying such service are received, so the right to the pension from the moment of application for such pension is lost.

The Commissioner gave recommendations to the Ministry of Social Policy to regulate the situation by amending the national legislation (namely, to suspend the 3-month period within which documents can be submitted to be granted the pension, for the period when the documents certifying pensionable service are expected from the Contracting Party to the international treaty) and by initiating amendments to international treaties (in terms of setting time frames for provision of documents certifying pensionable service in the territory of the respective state).

Lots of citizens' petitions were received regarding violation of their rights in the field of pension coverage under the court decisions adopted in their favour.

The Commissioner was approached by the resident of Vinnytsia regarding failure of the MD PFU in Kyiv to grant him the old-age pension due from November 2021, in accordance with Article 114 of the Law of Ukraine "On Compulsory State Pension Insurance" based on the decision of the Vinnytsia District Administrative Court adopted in April 2022.

In pursuance of the Commissioner's recommendations, the MD PFU in Kyiv restored the petitioner's right and granted him the pension for the period from November 2021 until November 2022, which was accrued and paid in November 2022.

The petitions were also connected with timely receipt of pensions by the selected means.

The citizens who used the mobile application "Monobank" by Universalbank JSC complained that they could not get their pension via that bank as the necessary contract had not been made by the PFU.

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The Commissioner sent the PFU the recommendations to take actions and resolve the matter.

In pursuance of the Commissioner's recommendations, the PFU concluded the contract with Universalbank JSC and made necessary technical amendments to the web-portal of the PFU for submission of an online request for changing the pension payment means via that bank.

The Commissioner also received notices of untimely granting of the status of a exonerated person.

It was established that the Exoneration Commission had violated rights of the victims of repressions by the communist totalitarian regime in 1917-1991 to timely granting of the status of a exonerated person due to failure to meet the legislative deadlines for consideration of the cases received from the regional exoneration commissions. One of the causes of the situation was impossibility of the quorum of the commission members sufficient for adopting resolutions with account of challenges of the martial law.

According to the Rehabilitation Commission, as of the end of 2022, 1,188 cases of the petitions received from the regional rehabilitation commissions for recognising the persons to be exonerated or affected by repressions were registered, but were not considered.

Resolutions on granting the status are not sent to the petitioners on time. As a result of such actions, the citizens lose their right to benefits for exonerated persons as prescribed by the legislation, through the fault of the Rehabilitation Commission. Such benefits are not refunded for the previous period.

In November 2022, the Commissioner was approached by the resident of Lviv Oblast who complained that he had not received the resolution of the Rehabilitation Commission of November 2021 on recognising him the exonerated person. Such actions violated the requirements of Article 8 of the Law of Ukraine "On Exoneration of Victims of Repressions of the Communist Totalitarian Regime in 1917-1991", according to which a resolution of the Rehabilitation Commission shall be delivered (sent) to the applicant within 15 business days after it is adopted.

In pursuance of the Commissioner's recommendations, the Rehabilitation Commission sent the corresponding resolution to the exonerated person. The petitioner's right was restored.

The residents of the settlements located in the area of hostilities or TOT face material difficulties exercising their right to social protection.

In particular, the Commissioner was approached by the citizens from the above-mentioned category regarding restoration of their right to the state social assistance for persons with disabilities since childhood, including for the past period.

In her petition to the Commissioner, the person with disabilities of group I, category A, who resided in the territory of Kharkiv Oblast, informed that she had not been paid the state social assistance for

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persons with disabilities since children since March 2022.

It was established during the consideration of the petition that the petitioner was registered with the social protection directorate of Izium Raion Military Administration. The directorate had not performed its powers since 24.02.2022 in connection with the active hostilities in Kharkiv Oblast, and partly resumed its operations on 15.07.2022. Payment of the assistance was not resumed as of 24.08.2022.

The request was sent to the Ministry of Social Policy in order to assist the petitioner in exercise of her right to the state social assistance. The petitioner's right to the assistance was restored as a result of all the actions taken. The funds of the state social assistance for persons with disabilities since childhood for March to September 2022 due to the petitioner were included into the payroll for September of the current year to be paid via Oschadbank JSC.

The petitions were also received regarding restoration of the right to the state social assistance for persons with disabilities since childhood in the due amount.

The Commissioner received the petition from the resident of Mariupol, Donetsk Oblast, regarding non-receipt of the state social assistance for persons with disabilities since childhood in connection with the disability since childhood of group I, subgroup A assigned to her by the MSEC on 1 February 2022, which was credited to her in February 2022, due to the martial law. Before that, the petitioner had been paid the assistance in the amount prescribed for persons with disabilities of group I, subgroup B, until January 2022 inclusive.

Following the request sent in February 2022 to the Social Protection Department of the Mariupol City Council, the petitioner was granted the assistance in an increased amount as a person with disabilities of group I, subgroup A starting from 01.02.2022. However, due to the hostilities and martial law imposed in Ukraine, the Department failed to submit the registers of the state assistance granted to the residents of Mariupol in February 2022 to the State Enterprise "Information and Calculation Centre of the Ministry of Social Policy of Ukraine".

In that regard, the payments were made to the petitioner based on the information in the data base, namely in the amount prescribed for persons with disabilities of group I, subgroup B (UAH 3,868).

In pursuance of the Commissioner's recommendations, the petitioner's right was restored: the petitioner was accrued the assistance in the due amount (UAH 6,589.80), which was paid in December of the current year together with the additionally accrued funds for the period from February to November of 2022.

As a result of the Commissioner's actions, the individuals' right to receive compensations for providing social care services on a non-professional basis, including for the past period, was restored.

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In February 2022, the Commissioner was approached by the resident of Dubrovytsia City Territorial Community in Rivne Oblast regarding failure to grant the individual's compensation for providing social care services on a non-professional basis upon her request in 2021.

Following the Commissioner's response during the proceedings, the social protection structural subdivision of the Dubrovytsia City Council, Rivne Oblast ensured granting of the compensation to the petitioner based on the package of the documents submitted by her in December 2021, and the compensation for the period from 01.12.2021 until 31.08.2022 was paid in September 2022.

RIGHT TO HEALTHCARE

Progress of implementation of the state budget programmes aimed at protection of human and civil rights in the field of healthcare by the local public authorities and local self-government bodies

One of the industries that has been most affected by the war is healthcare. The Programme for State Guarantees of Healthcare (hereinafter the "Healthcare Guarantees Programme") does not fully represent packages of the priority services that are of paramount importance during the war and post-war period. The state programmes in the field of healthcare do not consider losses of the healthcare system, damages and necessary changes in healthcare priorities (list of medical services and conditions).

In 2022, the State Budget of Ukraine envisaged UAH 185.2 billion for healthcare, namely the programme of state financial guarantees of healthcare, which was UAH 26.07 billion more than it had been provided for in the State Budget for 2021.

In 2022, UAH 157.3 billion were allocated for implementation of the programme of state financial guarantees of healthcare in Ukraine, which was UAH 34.3 billion more than in 2021, but it made only 3.11% of the GDP (according to the National Bank of Ukraine, the nominal GDP in 2022 was UAH 4.905 trillion[9]) and was not consistent with the amount of expenditures for the programme prescribed at the level of 5% of the GDP by the legislation[10].

Progress of implementation of the programme documents of the Government aimed at protecting rights of blood and blood component donors and recipients by the MoH remains inadequate as well.

The findings of the parliamentary control of compliance with the Law of Ukraine "On Blood and Blood Component Donors" and the Strategy for Development of the National Blood System until 2022 demonstrate that corresponding legal and normative acts in pursuance of the programme documents that will ensure respect for patients' rights and provision of accessible, quality and safe donor blood components in the sufficient quantity during the martial law have not been adopted.

The rights of blood donors to free meals on the day of free blood or blood component donation are not observed.

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There is no mechanism for selling excessive blood plasma for subsequent contractual manufacturing of donor blood products and no procedure for calculating the cost of blood components for the blood system entities.

The corresponding recommendations were given by the Commissioner to the MoH, and they were partly considered:

- the Standards of Meals and the Value of a Donor's Meal on the Day of Free Blood and/or Blood Component Donation were approved[11];

- the draft Resolution of the Cabinet of Ministers of Ukraine "On Approving the Methodology for Forming the Price of Purchasing Plasma for Fractioning from State-Owned and Municipal Blood System Entities" and the Order of the Ministry of Health of Ukraine "On Approving the Methodology for Calculating the Value of Donor Blood and Blood Components Produced by the Blood System Entities, to Ensure Provision of Blood and/or Blood Component Transfusion Services", which are being modified by the MoH together with the Ministry of Finance of Ukraine.

As of 31.12.2022, there is still no mechanism for selling excessive blood plasma for subsequent contractual manufacturing of donor blood products and no procedure for calculating the cost of blood components.

Failure of the MoH to adopt decisions in connection with the challenges associated with the full-scale invasion by the RF

The findings of the parliamentary control show that rights of the civilians affected by the military aggression of the RF are violated since they are assigned disability based on the general disease rather than as a result of the war.

This situation results from no grounds for disability as a result of the injury, shell shock, mutilation, disease due to the military aggression of the RF against Ukraine in the effective legislation. The valid disability criteria[12] only include getting them in the territory of Donetsk and Luhansk Oblasts rather than the entire territory of Ukraine.

That is why the persons affected by the military aggression cannot be included into the category of persons with disabilities as a result of the war and use the benefits guaranteed by the Law of Ukraine "On the Status of Veterans of War and Guarantees of Their Social Protection".

The Commissioner recommended the MoH to take immediate actions to regulate the matter of assigning disability to civilians as a result of the war in the effective legislation.

Observance of the right to assignment and confirmation of the disability group

The Commissioner received 12 petitions from the citizens regarding difficulties associated with medical social expert examination, assignment and revision of the disability group, and protection of the right to objective medical social expert examination.

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Following the Commissioner's monitoring of observance of human and civil rights to assignment and confirmation of disabilities by the medical and social expert commissions (hereinafter the "MSEC") during the martial law, it was established that as of October 2022 39 MSECs did not work in connection with the war launched by the RF in the occupied regions or in the areas where there were hostilities and most premises of the MSECs had been ruined.

It was found out during the monitoring of implementation of the decisions of the Government directed at temporary simplification of the procedure for assigning and extending the disability during the martial law by the MSEC that only 2 persons out of 7,613 used the absent MSEC procedure in March and April 2022, and 82 cases out of 3,496 were considered in absence in June.

In Chernivtsi Oblast, 353 persons out of 6,562 cases submitted to the MSEC wished to have them considered in absence during the same period.

Another problem is restoration of the disability records lost by the citizens in connection with the full-scale invasion of Ukraine by the RF.

According to the monitoring findings, the only document that gives a person with disabilities the right to social guarantees, respective benefits and social allowances is the original certificate issued by the MSEC. At present, the MSEC can only issue copies of documents on assignment of disability rather than a duplicate certificate on the statement of examination by the medical and social expert commission since there is no legal and normative act regulating this matter. This matter can be resolved by creating the unified electronic data base of the citizens who had applied to the MSEC.

The MSEC and participants of the rehabilitation process also have no access to the information in the Centralised Data Bank of Persons with Disabilities. The Commissioner has given relevant recommendations to the MoH.

Observance of the right to medical aid of adequate quality

The Commissioner has received the citizens' statements regarding violation of their rights by the healthcare administration authorities in different regions, namely violation of terms for consideration of the matter of clinical and expert assessment of quality of medical aid and medical services by clinical expert commissions, impossibility to challenge decisions of the CEC to the MoH as the central executive authority in charge of formation of the healthcare policy.

Such situation is caused by the amendments made to the Order of the MoH "On Organising the Clinical and Expert Assessment of Quality of Medical Aid and Medical Services", according to which the meetings of the CEC are not held by the MoH during the martial law in Ukraine[13].

In order to prevent limitation of the right of the Ukrainian citizens to challenge the opinions of the CEC on the clinical and expert assessment of quality of medical aid and medical services in healthcare institutions of any ownership and subordination form and by individual entrepreneurs operating in the field of healthcare in the corresponding administrative territory of Ukraine, the recommendations have been given to the MoH.

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Response to violations of human and civil rights

In 2022, the Commissioner's Secretariat received 690 petitions, and 27 proceedings were instituted by the Commissioner.

Numerous petitions were associated with the right to medical aid of adequate quality.

In August 2022, the Commissioner received the petition from citizen T., a resident of Kyiv, who asked to ensure that the clinical expert commission of the Healthcare Department of the executive body of the Kyiv City Council (Kyiv City Military Administration) would carry out the clinical and expert assessment of quality of the medical aid granted to her by the private dental hospital since she had been unable to resolve that matter for 2 months.

She was informed by the Department that the quality of the medical aid granted to the petitioner could not be assessed, and that private healthcare institutions did not pertain to the competence of the Department, so it had no impact upon the institution.

The Commissioner gave the Department explanations on establishment of the CEC for collective consideration of applications for the clinical and expert assessment of quality of medical aid and medical services in specific cases in healthcare institutions of any ownership form in the respective administrative territory of Ukraine.

In pursuance of the Commissioner's request, the Department established the CEC and carried out clinical and expert assessment of quality of the medical aid granted to the petitioner.

The Commissioner also received petitions regarding confirmation of the disability group.

In March 2022, the Commissioner's hot line received the petition from citizen S, a person with disabilities of group I who had lived in Kharkiv and moved to Lviv, regarding the need to take a repeated examination by the MSEC.

The Commissioner gave the petitioner explanations on possibility of medical and social expert examination in absence at his place of stay in Lviv until the martial law was terminated or cancelled, and corresponding recommendations were sent to the MSEC.

With the Commissioner's support, citizen S. was immediately received in the healthcare institution in Lviv, the commission considered his case in absence based on the ex-territorial principle, so his right to confirmation of the disability group was observed.

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RIGHT TO WORK

Observance of the employees' right to timely remuneration for their work.

The state does not have complete statistical information on the arrears in salaries as natural persons, individual entrepreneurs and legal persons do not have to submit statistical and financial reports during the martial law or war and for 3 months following termination thereof. As of 01.01.2023, the arrears in salaries (without account of some of the temporarily occupied territories) made UAH 2.8 billion. The arrears in salaries at the enterprises subordinated to the central executive authorities made UAH 2.1 billion. The debt to the personnel of the economically active enterprises is UAH 2.3 billion, of the ones undergoing bankruptcy — UAH 0.5 billion, and of the economically inactive ones — UAH 0.04 billion. The Interdepartmental Working Group on repayment of the arrears in salaries (financial support), which a temporary counselling and advisory body of the CMU in the field of coordination of actions of the executive authorities on the matters associated with timely payment and repayment of the arrears in salaries (financial support) held no meetings in 2022 and furnished no proposals on how to decrease the level of arrears in salaries. The Commissioner asked the Ministry of Economy of Ukraine to resume operations of the Interdepartmental Working Group.

Observance of the employees' right to official employment

The level of undeclared labour remains high. The state statistics authorities have not been examining the work force since 2022, so there is no information on informal employment. The State Labour Service and its territorial bodies have not performed state supervision (control) over compliance with the labour legislation by legal persons of any ownership form, type of activity, economic management and by natural persons who used hired labour since 24.02.2022.

The matter of no state supervision (control) by the regulatory authorities in 2022 in connection with imposition of the martial law in Ukraine is persistent and is associated not only with the State Labour Service, but also other public authorities[14].

The State Labour Service does not carry out state supervision (control) over compliance with the labour legislation during the martial law in terms of compliance with the requirements of the Law of Ukraine "On Organising Labour Relations during the Martial Law" as well as detection of unofficial labour relations and lawfulness of termination of employment contracts due to lack of forms of the documents that are made during state supervision and control during the martial law.

The Commissioner has given recommendations to the Ministry of Economy to bring the forms of the documents that are made during state supervision and control in line with the Law, and to amend the Order[15].

Observance of the citizens' rights in case of unemployment

Unemployment is one of the key negative social effects of the war. According to the State Employment Centre, 867,636 persons had the status of unemployed in 2022, which is 72.8% in comparison with the last year (1,191,008 in 2021). However, during the full-scale aggression, the quantity of vacancies as of the end of 2022 made 21,241 or 51.8% in comparison with the last year (41,042 in 2021). There are 9

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unemployed persons per vacancy in 2022 whereas there were 7 of them in 2021. Contrary to a decrease in the total number of the unemployed, the number of the persons who do not get salaries or other types of profit is much higher. The factors of this condition include incomplete information from the State Employment Centre, no data from the temporarily occupied territories, departure abroad, unpaid leaves, introduction of the downtime, suspension of employment etc.

Control over observance of labour rights of the personnel of communal enterprises, institutions and organisations by the LSGB

Due to no requirement to hold inspections while exercising their powers in the field of control over compliance with the labour and employment legislation[16] as well as absence of the approved procedure for such control, the LSGB do not control operations of communal enterprises, institutions and organisations in terms of observance of labour rights of the personnel. Thus, the requirements of Article 259(2) of the Labour Code of Ukraine and Article 34(3) of the Labour Code of Ukraine "On Local Self-Governance in Ukraine" are not met.

Observance of the right of healthcare professionals and their family members to insurance benefits

Starting from 10.12.2021 (the effective date of Law No. 1894-IX)[17], the healthcare professionals of private healthcare institutions and their family members have been deprived of an opportunity to receive insurance benefits in case of the disease or death due to being infected with the acute respiratory disease COVID-19 caused by the coronavirus SARS-CoV-2, because of the untimely amendments to the Procedure for Paying Insurance Benefits (hereinafter "Resolution No. 498")[18] and amendments to the Law of Ukraine "On the On the State Budget of Ukraine for 2022".

In January 2022, the Commissioner received the petition from citizen Z. regarding violation of her right to insurance benefits as a family member of the deceased healthcare professional whose death had resulted from infection with the acute respiratory disease COVID-19 caused by the coronavirus SARS-CoV-2 during the performance of his official duties with the elevated infection risk.

With the Commissioner's support, on 02.12.2022, amendments were made to Resolution No. 498, and the title of the budget programme that provided for allocation of funds for guaranteed payments to all the healthcare professionals was changed in the Law of Ukraine "On the State Budget of Ukraine for 2023".

Observance of the rights of certain categories of employees and their family members to monetary assistance during the martial law

Since 24 February 2022, there have been numerous cases of death of and injuries to the persons authorised to perform functions of the state or local self-governance, employees of the critical infrastructural facilities and journalists during fulfilment of their official duties as a result of hostilities, bombarding etc.

The Verkhovna Rada of Ukraine is considering the draft law that is supposed to regulate payment of the

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one-time monetary assistance to these categories of employees and their family members.

Violation of the citizens' right to enforcement of court decisions on collection of the past-due salary if debtors are public authorities and state-owned enterprises, institutions and organisations

When they exercise their right to seek legal redresses, citizens cannot restore their rights based on the court decision because the debt under the court decision associated with employment relations is repaid as the second priority[19] as well as due to shortage of funds under the budget programme, which would enable enforcing the court decisions guaranteed by the state within the time frames prescribed by the law. According to the State Treasury Service of Ukraine, as of 28.12.2022, the Treasury Bodies have 5,622 enforcement documents associated with employment relations for the amount of UAH 327.7 million to enforce, namely 983 enforcement documents for the total amount of UAH 151.3 million where the debtors are public authorities, and 4,639 enforcement documents for the total amount of UAH 176.4 million where the debtors are state-owned enterprises.

Response to violations of human and civil rights

In 2022, the Commissioner's Secretariat received 1,136 petitions informing of 1,467 violations of the right to work, and 33 proceedings were instituted by the Commissioner.

In particular, the Commissioner received petitions regarding violation of the right to work from civil servants.

In March 2022, the Commissioner received the petitions from 7 employees of Luhansk Oblast territorial recruitment and social support centre regarding their dismissal from their civil service offices after the full-scale aggression had started, and the Commissioner's proceedings were instituted.

It was established during the proceedings that the following requirements had not been met during their dismissal: written notification of the civil servant at least 30 calendar days before changes in the material conditions; possibility of submission of the civil servant's statement of resignation or application for transfer to another proposed office to the head of the civil service.

The order on the petitioners' dismissal was revoked owing to the Commissioner's response. The civil servants' right to work was restored.

Moreover, violations of the rights of insured persons to timely receipt of financial support under the mandatory state social insurance schemes were registered. Thus, the Commissioner received the citizens' notices complaining that the working bodies of the SIF had not paid financial support. It was established during consideration of the petitions that the SIF had not received UAH 5.2 billion of the single contribution to the compulsory state social insurance (hereinafter the "single social tax") due by the insurers and the insured from January to September 2022, which made 19.8% of the target for that period. Underpayment of the single social tax result in the arrears of the SIF in the financial support due to the insured as of 01.10.2022 for the period from 18 July to 30 September 2022 (55 working days) for the

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amount of UAH 2.9 billion.

In order to restore the rights of the insured, the Commissioner gave recommendations to the Ministry of Social Policy, the Board of the SIF. In some working bodies of the SIF, there are arrears as of 31.12.2022 under the application estimates of the insured who are located in the area of hostilities (combat operations) or of temporary occupation and connection with whom has been lost (the estimates were received in February and March 2022).

4.4. RIGHT OF OWNERSHIP

Ensuring citizens' participation in consideration of their applications in the field of urban development activities

The procedure for state architectural and construction control[20] does not provide for participation in meetings of commissions where applications in the field of urban development activities are considered as a video conference, and fails to consider the situation in our country due to imposition of the martial law and ongoing anti-epidemic measures introduced to prevent the spread of the acute respiratory disease COVID-19 caused by the coronavirus SARS-CoV-2.

It gives the commission grounds to leave natural and legal persons' applications in this regard undecided.

According to the SIAUP, the commission left the following undecided due to the applicant's repeated failure to attend:

- for the period from 15.09.2021 until 31.12.2021 — 604 applications (almost 58% of the total quantity of applications);

- for the period from 01.01.2022 until 24.02.2022 — 79 applications (almost 46% of the total quantity of applications).

Due to the prohibition imposed by the Government for state supervision (control)[21], no applications of natural and legal persons on these matters were submitted to the commission's meetings for consideration after 24.02.2022.

The matter of no state supervision (control) by the regulatory authorities in 2022 in connection with imposition of the martial law in Ukraine is persistent and is associated not only with the SIAUP, but also other public authorities[22].

In order to protect the citizens' rights to adequate consideration of their applications in the field of urban development activities, the Commissioner gave recommendations to the SIAUP to amend point 7^1 of the Procedure as regards meetings of the commission held as a video conference.

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The amendments have not been made to the Procedure yet.

Observance of property rights of the citizens who have invested into construction of their own housing by developers

The problem of delayed construction has existed for several years. The investing citizens cannot exercise their property rights and get the title to their apartments, which are being constructed or have been constructed with funds of natural and/or legal persons.

According to the specialised civil society organisations[23], more than 200,000 investing citizens cannot exercise their property rights in Ukraine and get the title to their apartments since the construction objects have not been commissioned, and no construction works are performed there.

According to the information provided by the MCTD, the list of residential construction objects that had not been commissioned was made in 2022; there were 154 objects on the list.

The Interdepartmental Working Group for assisting the affected investors in completion of construction of incomplete residential construction established at the MCTD has not held its meetings since June 2021. No proposals and recommendations on how to resolve the matter of delayed construction have been furnished to the Cabinet of Ministers of Ukraine.

Ukraine does not have an efficient system to regulate the legal relations arising upon violation of the deadlines of commissioning of the completed objects of apartment residential construction constructed with funds of natural and/or legal persons at the legislative level.

In her petition to the Commissioner, citizen T. informed that on 08.02.2018, pursuant to the property rights sale and purchase contract, she had purchased the property rights to the apartment in the designed house in the village of Novosilky, Kyievo-Sviatoshynskyi Raion, Kyiv Oblast, from Novi Teremky Residential Estate LLC, with the approximate completion date on 30 June 2019. The construction object had not been commissioned, and no construction works were performed.

The Main Investigative Department of the National Police of Ukraine informed of institution of the criminal proceedings based on the elements of the criminal offence under Article 190(2) of the CrCU.

The Chabany Urban-Type Settlement Council informed that there were no legal mechanisms for the local self-government bodies to put the incomplete objects on the books and complete their construction.

Violation of civil rights during customs import of vehicles for personal use

The bodies of the State Customs Service of Ukraine made 83 reports on violation of the customs rules in connection with non-export of vehicles by the resident citizens where such vehicles had been imported into the customs territory of Ukraine for personal use.

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The violations of the legislation were caused by the restrictions introduced for the male Ukrainian citizens aged 18 to 60 leaving Ukraine.

This matter can be resolved by amending the CuC Ukraine in terms of suspending the terms for temporary import of vehicles for personal use by the Ukrainian citizens until the martial law or state of emergency in the territory of Ukrainian citizens is terminated or cancelled.

It was also established that the rules of the CuC Ukraine were inconsistent with Article 7(b) of Annex C concerning means of transport to the Convention on Temporary Admission (Istanbul, 1990) (Ukraine acceded to the Convention in 2004), according to which "means of transport for private use may be used by third persons who are duly authorized by the persons granted temporary admission. Each Contracting Party may permit the use by a person resident in its territory, in particular, where the means of transport is used on behalf and on the instructions of the person granted temporary admission".

The corresponding recommendations were given to the Committee of the Verkhovna Rada of Ukraine on Finance, Taxation and Customs Policy.

Response to violations of human and civil rights

In 2022, the Commissioner's Secretariat received 859 petitions informing of 888 violations of the civil rights to property, and 97 proceedings were instituted by the Commissioner.

In the field of observance of the right of ownership, the Commissioner received the petitions regarding violation of civil rights during customs import of vehicles for personal use.

On 04.02.2022, citizen R. imported the vehicle into the customs territory of Ukraine for personal use as "temporary import for up to 60 days", without customs clearance.

Citizen R. was unable to drive the vehicle out of the customs territory of Ukraine upon expiration of 60 days since he was subject to the effective restrictions for departure for the male Ukrainian citizens aged 18 to 60 in connection with imposition of the martial law in the territory of Ukraine.

The Chief State Inspector of the Customs Clearance Department of the Customs Checkpoint at Poltava Customs Office of the State Customs Service made the report on violation of the customs rule for the amount of UAH 170 thousand.

Despite the objective circumstances due to which citizen R. was unable to drive out the vehicle, the SCS did not reverse the report.

Instead, the report on violation of the customs rules by citizen R. was reversed by the resolution of the court of appeal.

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RIGHTS TO EDUCATION AND CULTURE

No decisions of the MCIP in connection with the challenges associated with the full-scale invasion by the RF

The findings of the parliamentary control have shown that the public authorities failed to take adequate actions to approve the algorithms for protecting material and cultural values in connection with imposition of the martial law (during the military actions) in the context of the full-scale invasion of Ukraine by the RF. The effective Procedure for Evacuation in Case of the Threat or Occurrence of Emergencies[24] fails to consider special aspects of evacuation, transportation, creation of temporary sites for protection and preservation of cultural landmarks during the martial law. As a result, landmarks are destroyed, and cultural and historical values are stolen in the territories occupied by the RF.

The basic network of cultural establishments has suffered from targeted shelling of the civilian infrastructure by the Russian occupants, which has resulted in limitation of the right of access to cultural services and higher outflow of human resources in the industry.

As a result of redistribution of allocations from the state and local budgets, cultural establishments get reduced funding, which entails downtime or suspension of employment contracts with the library staff.

The quality of ensuring the principal state social guarantees as to provision of free services of the state-owned and communal cultural establishments is inconsistent with the State Standard for Provision of Free Services by State-Owned and Communal Club and Library Establishments[25].

The volume of the cultural landmarks and values destroyed, ruined and damaged shows the attempts of the RF to erase the national identity of the Ukrainian people.

The MCIP has not approved the Methodology for Calculating the Damages and Losses Inflicted upon the Cultural Heritage as a Result of the Armed Aggression of the RF, and the Methodology for Calculating the Damages Inflicted by Illegal Archaeological Research as a Result of the Armed Aggression of the RF.

According to point 17 of the Procedure for Calculating the Damages and Losses Inflicted upon Ukraine as a Result of the Armed Aggression of the Russian Federation[26], the MCIP is responsible for calculating damages and losses in the field of loss of cultural heritage and cultural value.

Ensuring equal access to the quality vocational (technical), professional pre-higher and higher education regardless of the place of residence during the martial law

The findings of parliamentary control in the field of education show that the matter of ensuring equal access to the quality vocational (technical), professional pre-higher and higher education regardless of the place of residence during the martial law remains problematic[27].

The network vocational (technical) education institutions has materially changed. In the new academic year, the educational process started in 564 VTEI, against 694 institutions that had worked as of 01.01.2022.

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The situation was caused by impossibility of educational activities in the education institutions located in the occupied territories and areas of hostilities. There are 24 institutions like this in Kharkiv Oblast, 18 — in Donetsk Oblast, 17 — in Zaporizhzhia Oblast, and 15 — in Luhansk Oblast. Some of the students of the VTEI could not continue their studies in safe conditions, get a certificate of vocational education from the institution where they had studied for objective reasons, although they were given such opportunity by the Regulation on the Internal Academic Mobility of Students of Vocational (Technical) Education Institutions. Introduction of the dual academic form in the VTEI is also complicated by the martial law. According to the MES, the academic process with the dual form will be carried out in 2022-2023 in 46 VTEI, against 217 during the previous academic year.

Only 2 (8.6%) vocational (technical) education institutions in Mykolaiv Oblast, 2 (12%) — in Volyn Oblast, 3 (14%) — in Ternopil Oblast, and 5 (15%) — in Poltava Oblast continue the dual academic form. The situation in Cherkasy, Ivano-Frankivsk and Rivne Oblasts, where such work is performed by less than a quarter of the VTEI, is not better.

Actions were taken in the field of higher and professional pre-higher education to relocated almost 200 institutions and their structural subdivisions from the south-eastern regions to the safe oblasts. However, many of the institutions remained in the temporarily occupied territories. As a result, more than 2 thousand students have no access to higher education and have not received their academic records due to no access to the Unified State Electronic Base on Education.

Another problem in the field of higher and professional pre-higher education in the context of the martial law was narrowing the base for the practical training as a result of reduced operations of training and production integrated plans (centres, complexes) and leading Ukrainian enterprises.

The findings of parliamentary control over equal access to the quality vocational (technical), professional pre-higher and higher education demonstrate adequate response of the MES to the challenges associated with the martial law.

Response to violations of human and civil rights

In 2022, the Commissioner’s Secretariat received 143 petitions, and 3 proceedings were instituted by the Commissioner.

The Commissioner was approached by the heads of the trade union committees of 3 specialised medical colleges of Kyiv regarding the conflict situation in connection with the resolution on their subordination to the Education and Science Department of the executive body of the Kyiv City Council (Kyiv City State Administration).

The representatives of the Colleges were concerned that changes in the subordination would cause separation of the system of healthcare institutions and professional pre-higher medical education institutions and have a negative impact upon the quality of professional training.

In response to the Commissioner’s inquiry, the MoH informed that the Education and Science Department was not authorised to ensure combination of theoretical studies in the Colleges and practical training in the healthcare institutions. Moreover, impossibility of free use of healthcare institutions of Kyiv as practical bases for all the types of practical training under the academic professional programmes

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would result in lower equality of training of healthcare professionals.

However, despite the stance of the Commissioner, the MoH and Colleges, the local authorities resolved to change the subordination of the professional pre-higher education institutions of Kyiv.

With due consideration of the above, monitoring is scheduled for 2023 in connection with impact of changes in the subordination of the Colleges upon the quality of their educational services to the students getting professional pre-higher medical education in Kyiv.

The Commissioner was approached by citizen Sh. regarding violation of her right to education because the medical higher education institution had failed to issue the corresponding certificate.

The petitioner informed that she had completed her internship training at the medical university in 2022, but she had not been issued the corresponding certificate of the medical specialist. Moreover, the applications submitted by citizen Sh. on that matter to the director of the education institution were of no effect.

Owing to the measures taken by the Commissioner, the petitioner was issued the certificate of the medical specialist, and the citizen's right to education was restored.

The Commissioner was approached by citizen K., a student of Mykhailo Boichuk Kyiv State Academy of Decorative-Applied Arts and Design, regarding violation of her right to social protection, namely the right to a social scholarship.

As a daughter of the military servant who had gone missing during the combat tasks performed to ensure national security and defence, to repel and deter the armed aggression against Ukraine, the petitioner had the right to a social scholarship (according to Resolution of the CMU No. 1045 of 28 December 2016 "Certain Issues of Paying Social Scholarships to Students (Cadets) of Professional Pre-Higher and Higher Education Institutions").

However, minor K. had not received a scholarship since the beginning of the academic year.

Within the proceedings, the corresponding recommendations were given to the National Social Service, the Social Protection Department of Pecherskyi District State Administration in Kyiv and the education institution itself.

Owing to the measures taken, the petitioner was accrued and paid the social scholarship in December 2022 (for the period starting from September 2022).

The petitioner's right to social protection by the state was restored.

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CONSUMER RIGHTS

Results of processing of citizens' statements of violation of their consumer rights by the SSUFSCP

After the martial law had been imposed in the territory of Ukraine, the Commissioner received 1,744 statements from the citizens about violation of their rights as consumers of goods and services by economic operators.

Due to the prohibition of state supervision (control) imposed by the Government for the period of the martial law[28], the SSUFSCP did not carry out state supervision (control) over compliance with the legislation on protection of consumer rights by economic operators.

From 24 February to 31 October 2022, the SSUFSCP received 7,666 statements from the citizens regarding violation of their consumer rights, and respective inspection needed to be conducted for 4,574 of them.

Absence of state supervision (control) over activities of economic operators increases risks for citizens' life and health, and their petitions to the SSUFSCP, the SIAUP, the State Environmental Inspectorate, the State Labour Service etc. are not duly considered.

In order to ensure observance of civil rights in different fields, the Commissioner gave recommendations to the Government to permit the corresponding public authorities to carry out unscheduled state supervision (control) during the martial law.

The Commissioner's recommendations were affirmed by the Government[29], and it was permitted to carry out unscheduled state supervision (control) based on resolutions of the central executive authority in charge of formation of the public policy in the respective fields.

Observance of consumer rights in the field of housing and utility services

Economic operators cease to provide electric, gas and water supply services to consumers if they are in arrears although the Government prohibited to suspend provision of housing and utility services to the population in case they are not paid for in full or in part from 24 February 2022 until the termination or cancellation of the martial law in Ukraine[30]. In the end, it violates the citizens' rights to housing and utility services.

It was established during the mass media monitoring that the problem was of persistent nature, and the citizens were sometimes threatened with eviction from their housing because of their utility debt[31].

This situation results from failure to make amendments to the Law of Ukraine "On the Housing and Utility Services", which would prohibit economic operators to suspend provision of housing and utility services to consumers during the martial law.

Observance of consumer rights in the field of bank services

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The banks fail to consider the recommendations given by the National Bank of Ukraine as regards automated extension of the term of bank cards that have expired.

As a result, the citizens who are in the temporarily occupied territories or abroad cannot withdraw (use) funds from their bank account, do not get social allowances, pensions etc.

Most banks extend the term of the card only upon the client's personal request. However, the citizens who are in the TOT or abroad are physically unable to attend the bank.

In order to ensure operations of the banking system during the martial law, the National Bank of Ukraine adopted the resolution[32], but it failed to resolve the matter.

Observance of rights of consumers of the goods and services purchased via online stores

There were violations of consumer rights when goods and services were purchased (ordered) via an online store.

It was established that the effective legislation[33] did not cover economic rights of a consumer, in particular, upon violation of terms and conditions and the contract for sale and purchase (delivery) of food products in online stores.

There is currently no mechanism for protecting consumer rights on the Internet. There is also no procedure for imposing liability upon the economic operator that provides services of the electronic trade platform in case consumer rights are violated.

This matter can be resolved if the Verkhovna Rada of Ukraine adopts the draft Law of Ukraine "On Protection of Consumer Rights" (registration No. 6134 of 05.10.2021). The Commissioner's proposals and recommendations on the draft law were taken by the Government into consideration when it was drafted.

Response to violations of human and civil rights

In 2022, the Commissioner's Secretariat received 1,696 petitions informing of 1,744 violations of consumer rights, and 98 proceedings were instituted by the Commissioner.

Thus, following the consideration of the petition, the right of the family whose members were persons with disabilities to the electric power supply service was restored.

In October 2022, the Commissioner was approached by the family from Poltava Oblast, who were persons with disabilities and provided for the minor son, regarding unlawful disconnection of electric power from their accommodation by Poltavaoblenerho JSC. The electric power supply was disconnected from the petitioners' accommodation based on the report on non-admission of the employees of Poltavaoblenerho to the house for replacement of the electric power metering unit.

The Commissioner had given recommendations to the NEURC to conduct an inspection, which found the actions of Poltavaoblenerho to be unlawful since the company had not had replacement of the electronic

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power metering unit approved by the accommodation owner in advance.

In pursuance of the order of the NEURC, the electric power supply was restored in the petitioners' house on 23.11.2022.

Also, the petitions raised the issue of even distribution of power cuts.

The Commissioner was approached by the resident of Uzhhorod regarding failure of Zakarpattiaoblenerho PrJSC to adhere to the schedule of consumer power cuts.

The Commissioner gave recommendations to the SIEP to inspect adherence to the schedule of consumer power cuts in Zakarpattia Oblast.

Following the inspection, the binding order was issued to eliminate the violations.

Zakarpattiaoblenerho PrJSC developed the new balanced scheduled of hourly consumer power cuts for the residents of Zakarpattia Oblast.

Moreover, the Zakarpattia Oblast Military Administration ordered to prohibit outdoor illumination and advertising board illumination in the settlements of Zakarpattia Oblast.

In connection with the broad-scale armed aggression against Ukraine, lots of Ukrainians have found themselves abroad. They faced major difficulties using bank services there.

The Commissioner was approached by the Ukrainian citizen who was abroad with her child due to the military aggression of the RF and could not withdraw funds from her bank account.

While she was abroad, the petitioner had a problem with the SIM card in her mobile telephone to which the online banking was assigned, so she had difficulty accessing her bank accounts and bank services online. The attempts to resolve that issue on her own, namely to register another mobile telephone number for her online banking resulted in disablement of access to her bank accounts and services by the bank. The petitioner called the contact centre of the bank many times, and sent applications to the bank's e-mail address. Following the recommendation of the bank staff, she tried to complete bank client identification and verification several times, but she failed to resolve the problem.

The Commissioner gave recommendations to the bank the client of which the petitioner was regarding her access to the bank services.

As a result of the Commissioner's response, the bank fully restored the petitioner's access to online banking, so now she has access to her bank accounts and services while she is abroad with the child.

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From October to December 2022, the Commissioner received 160 petitions from citizens regarding extremely hard living conditions caused by the terrorist attacks of the RF against the energy infrastructure of Ukraine. The citizens had no electric power, heating and water supply, communication and Internet.

The Commissioner gave recommendations to the Government to establishing heating points in all the regions of Ukraine so that citizens would be able to warm up, charge their mobile devices etc. in winter when there was no electric power and heating.

The Commissioner's recommendations were affirmed by the Government, and the ministries and heads of oblast and Kyiv City military administrations were instructed to organise operations of invincibility points[34] in Ukraine.

701 mobile evacuation groups were established by the oblast military administrations in order to evacuate the people who are unable to take their own actions to save their life or health due to their age or health condition in case of emergency as well as the persons who take care of (provide services to) such people in accordance with the legislation.

RIGHT TO A SAFE ENVIRONMENT

Threat of a nuclear and humanitarian disaster

The risk of an accident at Zaporizhzhia Nuclear Power Plant is elevated due to the decrease in the water level in Kakhovka Reservoir as a result of the aggressor's actions. The water level in Kakhovka Reservoir is decreasing fast in connection with the uncontrolled water disposal at Kakhovka Hydro Power Plant since the volume of disposal exceeds the volume of filling.

It has a negative impact upon technical processes at Zaporizhzhia Nuclear Power Plant. The water level of 13.2 m is the minimum level for collection thereof into the cooling reservoir. In case water supply is suspended, there will be problems in reactor cooling, which will result in a disaster.

Moreover, Kakhovka Reservoir is a source of drinking water for the cities of Kryvyi Rih, Nikopol, Marhanets and certain raions of Kherson, Zaporizhzhia and Dnipropetrovsk Oblasts as well as the Autonomous Republic of Crimea via the Northern Crimean Canal.

The safety situation at Zaporizhzhia Nuclear Power Plant and provision of drinking water to the population in those territories require further monitoring and timely response.

Results of consideration of the citizens' applications regarding environmental matters by the SEI, and environmental protection activities conducted in the field of environmental protection

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The SEI received 823 applications from the citizens regarding environmental matters, and 82 of them require an inspection. According to the SEI, 6 state supervision (control) activities were conducted in 2022.

The matter of no state supervision (control) by the regulatory authorities in 2022 in connection with imposition of the martial law in Ukraine is persistent and is associated not only with the State Environmental Inspectorate, but also other public authorities[35].

Despite the prohibition of state supervision (control) and a number of the unscheduled activities that had been approved and conducted, the State Environmental Inspectorate conducted 6,502 environmental protection activities in 2022.

The fines were imposed upon 9,460 offenders for the total amount of UAH 3.3 million, and UAH 3.1 million or 94% of the total amount of the penalties were collected to the State Budget of Ukraine.

In total, the losses inflicted upon the state were estimated to be UAH 1,535.7 million, half of which (UAH 957.79 million) were inflicted by unidentified persons.

The claims and actions were filed for the total amount of UAH 562.39 million, including UAH 96.68 million collected on a voluntary or enforced basis via court decisions (around 17%).

Response to violations of human and civil rights

In 2022, the Commissioner's Secretariat received 175 petitions, and 6 proceedings were instituted by the Commissioner.

The Commissioner received the petitions regarding air contamination.

In August and September 2022, the residents of Zaporizhzhia filed petitions to the Commissioner and informed of air contamination as a result of unidentified substances burnt down in the territory of one of the deactivated enterprises in the city. Air contamination with combustion gases in Zaporizhzhia was permanent, which resulted in deterioration of the residents' health.

The Commissioner asked the SEI to take measures, so an unscheduled inspection of one of the city enterprises was conducted. Following the Commissioner's request, the SEI conducted an unscheduled inspection of one of the city enterprises.

The officials of the enterprise were imposed administrative liability for violating the rules of technical operation of the gas purification plant after the inspection.

It was found out that the MD NP in Zaporizhzhia Oblast instituted the criminal proceedings based on the elements of the criminal offence under Article 241(2) of the CrCU "Air Contamination".

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Monitoring observance of rights

34 monitoring sessions were conducted in 2022 at 323 objects, including central executive authorities — 7; territorial executive bodies — 29; local self-government bodies — 54; urban-type settlement military administration — 1; oblast state (military) administrations — 54; permanent healthcare institutions — 24; pharmacies — 132; education administrative bodies of oblast state (military) administrations — 17; higher education institutions — 3; authorised governing bodies — 1; other — 1.

The civil rights that had been violated were restored as a result of the actions taken following the monitoring:

to entrepreneurial activity in case of blocking of tax invoices in the Unified Register of Tax Invoices of Individual Entrepreneurs Paying the Value-Added Tax;

to provision of anti-tumour medicinal products financed from the budget to the citizens suffering from cancer;

examination by medical and social commissions for the persons with disabilities who needed to have their disability group to be revised, individual rehabilitation programmes;

indication of the citizens' employment periods in the Register of the Insured in the State Register of Compulsory State Social Insurance based on the data submitted by enterprises, institutions and organisations for registration of the employee's labour in electronic format.

The monitoring detected a number of issues that required legislative amendments and actions by the executive authorities:

in the field of **observance of the right to social protection —** the matter of practical exercise of the right of to pension coverage via the web-portal of the PFU was not resolved for the citizens who were abroad in connection with the full-scale invasion by the RF, in the TOT or territories with hostilities;

in the field of **observance of the property rights —** the forms of notices of estimation of and compensation for losses to land owners and land users, of the agreement on estimating and compensating for losses, the report on estimating and compensating for losses were not approved; there was no commission on estimation of and compensation for losses incurred by land owners and land users, and no regulations on such commission; challenging of results of the commissions' work as well as resolution of disputes in estimation of and compensation for losses were not regulated;

regarding **observance of the cultural rights —** low level of digitalisation of museum infrastructure; there was no electronic version of the National List of Elements of the Intangible Cultural Heritage of Ukraine on the official website of the MCIP; there was no register of the basic network of cultural establishments in order to obtain necessary information on national and regional cultural establishments at the unified information resources; the Ukrainian Digital Library does not work and has not been filled; there is no digital library of musical scores by the Ukrainian composers with free access.

RECOMMENDATIONS

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The Verkhovna Rada of Ukraine should ensure consideration and adoption of:

- draft Law of Ukraine “On Protection of Consumer Rights” (registration No. 6134 of 05.10.2021);

- draft Law of Ukraine “On Paying the One-Time Monetary Assistance for Life and Health Damage due to the Injury or Death Caused by the Military Aggression against Ukraine during Public Service, Performance of Duties at Critical Infrastructural Facilities, and Professional Journalist Activities” (registration No. 7353 of 05.05.2022);

- draft Law of Ukraine “On Amending the Law of Ukraine ‘On Culture’ as to Introduction and Maintenance of Electronic Registers of Recording and Managing Cultural Heritage and Cultural Values of Ukraine” (registration No. 8024 of 12.09.2022);

- draft Law of Ukraine “On Amending the Law of Ukraine ‘On Compulsory State Pension Insurance’ regarding Granting of Pensions to the Persons Residing in the Temporarily Occupied Territory or the Area of Hostilities” (registration No. 8198 of 10.11.2022).

The Cabinet of Ministers of Ukraine should:

- approve the draft Resolution of the Cabinet of Ministers of Ukraine “On Approving the Methodology for Forming the Price of Purchasing Plasma for Fractioning from State-Owned and Communal Blood System Entities”;

- approve the draft Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Minimum State Standards of Providing Cultural Services to the Public”;

- submit to the Verkhovna Rada of Ukraine the draft Law of Ukraine developed by the Ministry of Social Policy “On Amending the Law of Ukraine ‘On Compulsory State Pension Insurance’ and Some Other Laws of Ukraine as to Proportional Calculation of the Pensionable Service for the Persons Working Outside Ukraine” regarding granting of persons to the persons who worked both in Ukraine and abroad in connection with denunciation of the Agreement on the Guarantees of Rights of Citizens of the Member States of the Commonwealth of Independent States in the Field of Pension Coverage of 13 March 1992;

- approve the draft Resolution of the CMU developed by the Ministry of Social Policy on amending Resolution of the Cabinet of Ministers of Ukraine No. 261 of 02 April 2005 “On Approving the Procedure for Granting and Paying the State Social Assistance to the Persons Not Eligible for the Pension and Persons with Disabilities, and State Social Assistance for Care” regarding simplification of the procedure for granting this assistance in connection with the military aggression of the Russian Federation;

- adopt time resolutions to allocate funds from the State Budget of Ukraine with a view to repaying arrears in pensions under court decisions, and implementing the programmes related to social protection.

The Ministry of Agrarian Policy and Food of Ukraine should develop the new Procedure for Estimating and Compensating for Losses to Land Owners and Land Users, which will regulate the matters of establishment and operations of the commissions as to estimation of and compensation for losses to land owners and land users.

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The Ministry of Economy of Ukraine should take measures to complete the procedure for approving and signing the draft Order "On Amending Order of the Ministry of Economic Development, Trade and Agriculture No. 2161 of 27 October 2020".

The Ministry of Culture and Information Policy of Ukraine should take measures to implement the Priority Directions and Tasks of Digital Transformation until 2023 approved by Ordinance of the Cabinet of Ministers of Ukraine No. 365-p of 17 February 2021 "Certain Issues of Digital Transformation".

The Ministry for Communities, Territories and Infrastructure Development of Ukraine should develop and submit to the Cabinet of Ministers of Ukraine for consideration:

- draft Law of Ukraine "On Assisting Affected Investors in Completion of Problematic Apartment Residential Construction Objects";

- draft Law of Ukraine on amending the Law of Ukraine "On the Housing and Utility Services" regarding the prohibition to terminate/suspend provision of housing and utility services to the population in case the are not paid at all or in full during the martial law in Ukraine;

The **Ministry for Communities, Territories and Infrastructure Development of Ukraine** and the **Ministry of Internal Affairs of Ukraine** should ensure that meetings of the Interdepartmental Working Group on assisting affected investors in completion of problematic apartment residential construction objects are held, and to ensure that the members of this Interdepartmental Working Group arrive at the meetings in accordance with the Regulation on the Interdepartmental Working Group on assisting affected investors in completion of problematic apartment residential construction objects[36].

The Ministry of Social Policy Ukraine should draft legal and normative acts in order to resolve issues as to:

- suspension of the 3-month period for submission of documents on granting the pension to the persons whose pensionable service for their work abroad is confirmed under international treaties, and amendments to these treaties to set time frames for provision of documents on confirmation of the pensionable service in the territory of the respective state;

- granting of state social assistance and housing subsidies during the martial law to the persons who have lost their job or whose employment relations have been suspended temporarily.

The Ministry of Social Policy of Ukraine and the **Pension Fund of Ukraine** should develop the acts in order to resolve the matter of practical exercise of the right of to pension coverage via the web-portal of the PFU was not resolved for the citizens who were abroad in connection with the full-scale invasion by the Russian Federation, in the temporarily occupied territories of Ukraine or territories with hostilities;

The Ministry of Health of Ukraine should:

- approve the Order "On Approving the Methodology for Calculating the Value of Donor Blood and Blood Components Produced by the Blood System Entities, to Ensure Provision of Blood and/or Blood Component Transfusion Services";

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- amend point 3 of Section II of the Regulation on the Clinical Expert Commission of the Ministry of Health of the Autonomous Republic of Crimea, structural subdivisions in the field of healthcare of the oblast, Kyiv and Sevastopol city state administrations approved by Order of the Ministry of Health of Ukraine No. 69 of 05.02.2016 "On Organising the Clinical and Expert Assessment of Quality of Medical Aid and Medical Services" registered with the Ministry of Justice of Ukraine on 24 February 2016 under No. 286/28416, in particular, to extend the time frames for consideration of cases in individual cases, regulate operations of the commissions in case of active hostilities and associated consequences that prevent their work;

- to amend the Resolutions of the Cabinet of Ministers of Ukraine regarding establishment of the cause of the civilian's disability as a result of the injury, shell shock, mutilation, disease due to the military aggression of the Russian Federation against Ukraine.

The Ministry of Education and Science of Ukraine should:

- approve the Regulation on the Dual Form of Higher and Professional Pre-Higher Education;

- develop recommendations on spreading the practice of obtaining professional (vocational), professional pre-higher and higher education in dual form;

- amend Order of the MES No. 466 of 25.04.2013 "On Approving the Regulation on Distance Education" in order organise distance education as a form of obtaining vocational (technical), professional pre-higher and higher education.

Ministry of Finance of Ukraine should:

- develop and submit to the Cabinet of Ministers of Ukraine for consideration the draft Law of Ukraine on amending the Customs Code of Ukraine to resolve the matter of suspending the time frames for temporary import of vehicles by the Ukrainian citizens for personal use until the martial law, the state of emergency in the territory of Ukraine is terminated or cancelled, and also to give the customs authorities the right to permit transfer of the right to use the temporary import regime for the vehicles for personal use to any other person upon request of the person responsible for complying with the customs regime of temporary import, provided that the other person assumes the obligations of the person responsible for complying with the customs regime of temporary import;

- provide for amounts to repay debt under the court decisions associated with employment relations in the Budget Declaration and the State Budget on an annual basis;

- develop and submit to the Cabinet of Ministers of Ukraine for consideration the draft law on amendments to the Final Provisions of the Law of Ukraine "On the State Guarantees of Enforcement of Court Decisions" in terms of repayment of debt under the court decisions associated with employment relations as the first priority.

The Ministry for Communities, Territories and Infrastructure Development of Ukraine and **the Ministry of Economy of Ukraine** should draft the procedure for the local self-government bodies to exercise their authority of control over compliance with the labour legislation at enterprises, institutions and organisations communally owned by the corresponding territorial community.

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The State Inspectorate for Architecture and Urban Development of Ukraine should development amendments to point 7^1 of the Procedure for State Architectural and Construction Control approved by Resolution of the Cabinet of Ministers of Ukraine No. 553 of 23 May 2011, in terms the Commission's meetings held to consider applications in the field of urban development as a video conference, and introduce such changes into the Commission's work.

The Board of the National Bank of Ukraine should amend its Resolution No. 18 of 24.02.2022 "On Operations of the Banking System during the Martial Law" regarding automatic extension of bank cards by banks during the martial law.

The National Rehabilitation Commission should meet the deadlines established by the legislation for review and decision-making on the issues of recognising persons as exonerated or victims of repressions as well as time frames for sending resolutions of the commission to the applicants.

1 Kyiv School of Economics. Available at: http://surl.li/eqtrk

2 Ukrinform: Healthcare system fighting at the medical front with confidence. Available at: http://surl.li/exnxd

3 Law of Ukraine No. 2193-IX of 14 April 2022 "On Amending Certain Laws of Ukraine as to Provision of Social Services upon Imposition of the State of Emergency or Martial Law in Ukraine or Individual Areas Thereof";

Resolution of the Cabinet of Ministers of Ukraine No. 162 of 26 February 2022 "On Special Aspects of Payment and Delivery of Pensions, Monetary Assistance for the Period of the Martial Law"; Resolution of the Cabinet of Ministers of Ukraine No. 214 of 7 March 2022 "Certain Issues of Providing State Social Assistance for the Period of the Martial Law"; Resolution of the Cabinet of Ministers of Ukraine No. 215 of 7 March 2022 "On Special Aspects of Accrual and Payment of Monetary Assistance, Benefits and Housing Subsidies for the Period of Martial Law"; Resolution of the Cabinet of Ministers of Ukraine No. 462 of 19 April 2022 "Certain Issues of Granting Benefits and Housing Subsidies during the Martial Law"; Resolution of the Cabinet of Ministers of Ukraine No. 294 of 16 March 2022 "On Amending the Procedures Approved by Resolutions of the Cabinet of Ministers of Ukraine No. 576 of 26 June 2019 and No. 587 of 1 June 2020".

4 Law of Ukraine "On Amending Certain Laws of Ukraine regarding Protection of Social, Labour and Other Laws of Natural Persons, Including During Martial Law, and Simplifying Record-Keeping on Jobs for Persons with Disabilities";

Resolution of the Cabinet of Ministers of Ukraine No. 630 of 27 May 2022 "On Amending Certain Acts of the Cabinet of Ministers of Ukraine regarding Prevention of the Spread of the Acute Respiratory Disease COVID-19 Caused by the Coronavirus SARS-CoV-2 in the Territory of Ukraine"; Resolution of the Cabinet of Ministers of Ukraine No. 928 of 19 August 2022 "On Amending Ordinance of the Cabinet of Ministers of Ukraine No. 338 of 25 March 2020 and Resolution of the Cabinet of Ministers of Ukraine

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No. 1236 of 9 December 2020".

5 Resolution of the Cabinet of Ministers of Ukraine No. 1328 of 29 November 2022 "On Withdrawing from the Agreement on the Guarantees of Rights of Citizens of the Member States of the Commonwealth of Independent States in the Field of Pension Coverage".

6 Draft Law of Ukraine "On Amending the Law of Ukraine 'On Compulsory State Pension Insurance' and Some Other Laws of Ukraine as to Proportional Calculation of the Pensionable Service for the Persons Working Outside Ukraine"; draft Resolution of the Cabinet of Ministers of Ukraine "On Amending Resolution of the Cabinet of Ministers of Ukraine No. 261 of 2 April 2005 'On Approving the Procedure for Granting and Paying the State Social Assistance to the Persons Not Eligible for the Pension and Persons with Disabilities, and State Social Assistance for Care'".

7 Resolution of the Cabinet of Ministers of Ukraine No. 632 of 22 July 2020 "Procedure for Calculating Aggregate Income of a Family (Household) for All Types of State Social Assistance".

8 Resolution of the Cabinet of Ministers of Ukraine No. 1167 of 14 October 2022 "On Approving the Budget of the Pension Fund of Ukraine for 2022".

9 National Bank of Ukraine. Available at: http://surl.li/eufbj

10 Law of Ukraine "On State Financial Guarantees of Healthcare".

11 Order of the MoH No. 1359 of 29.07.2022 "On Approving the Standards of Meals and the Value of a Donor's Meal on the Day of Free Blood and/or Blood Component Donation".

12 Resolution of the Cabinet of Ministers of Ukraine No. 1317 of 3 December 2009 "Aspects of Medical and Social Expert Examination", point 26 of the Regulation on the Procedure, Conditions and Criteria of Assignment of Disabilities.

13 Order of the MoH No. 508 of 20 March 2022 "On Amending Order of the Ministry of Health of Ukraine No. 69 of 5 February 2016".

14 Detailed information on the Commissioner's recommendations can be found in point 4.4. "Consumer Rights".

15 Order of the Ministry of Economic Development, Trade and Agriculture of Ukraine No. 2161 of 27 October 2020 "On Approving the Forms of the Documents Made during State Supervision and Control by the State Labour Service of Ukraine".

16 Law of Ukraine "On Local Self-Governance in Ukraine".

17 Law of Ukraine "On Amending Article 39 of the Law of Ukraine 'On Protection of the Population from Infectious Diseases' as regards Social Protection of the Healthcare Professionals of Healthcare Institutions of Any Ownership Form Affected by the Coronavirus Disease (COVID-19)".

18 Resolution of the Cabinet of Ministers of Ukraine No. 498 of 17 June 2020 "Certain Aspects of

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Insurance Benefits for the Disease or Death of Healthcare Professionals due to Being Infected with the Acute Respiratory Disease COVID-19 Caused by the Coronavirus SARS-CoV-2".

19 Law of Ukraine "On the State Guarantees of Enforcement of Court Decisions".

20 Resolution of the Cabinet of Ministers of Ukraine No. 553 of 23 May 2011 "On Approving the Procedure for State Architectural and Construction Control".

21 Resolution of the Cabinet of Ministers of Ukraine No. 303 of 13 March 2022 "On Terminating State Supervision (Control) and State Market Supervision during Martial Law".

22 Detailed information on the Commissioner's recommendations can be found in point 4.4. "Consumer Rights".

23 Build PortaL. Available at: http://surl.li/euevf

24 Resolution of the Cabinet of Ministers of Ukraine No. 841 of 30 October 2013 "On Approving the Procedure for Evacuation in Case of the Threat or Occurrence of Emergencies".

25 Order of the Ministry of Culture of Ukraine No. 983 of 15 October 2013 "On Approving the State Standard for Provision of Free Services by State-Owned and Communal Club and Library Establishments".

26 Resolution of the Cabinet of Ministers of Ukraine No. 326 of 20 March 2022 "On Approving the Procedure for Calculating the Damages and Losses Inflicted upon Ukraine as a Result of the Armed Aggression of the Russian Federation.

27 Monitoring of the exercise of human and civil rights to equal access to vocational (technical) education in the context of martial law. Available at: https://cutt.ly/R9rQvwd

28 Resolution of the Cabinet of Ministers of Ukraine No. 303 of 13 March 2022 "On Terminating State Supervision (Control) and State Market Supervision during Martial Law".

29 Resolution of the Cabinet of Ministers of Ukraine No. 1363 of 6 December 2022 "On Amending the Resolution of the Cabinet of Ministers No. 303 of 13 March 2022"

30 Resolution of the Cabinet of Ministers of Ukraine No. 206 of 5 March 2022 "Certain Issues of Paying for the Housing and Utility Services during the Martial Law"

31 Ministry of Reintegration of Temporarily Occupied Territories of Ukraine. Available at: https://cutt.ly/X27gsFe

32 Resolution of the Board of the National Bank of Ukraine No. 18 of 24 February 2022 "On Operations of the Banking System during the Martial Law".

33 Law of Ukraine "On Protection of Consumer Rights".

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34 Invincibility point. Available at: https://nezlamnist.gov.ua/

35 Detailed information on the Commissioner's recommendations can be found in point 4.4. "Consumer Rights".

36 On Establishing the Interdepartmental Working Group on Assisting Affected Investors in Completion of Problematic Apartment Residential Construction Objects: Resolution of the Cabinet of Ministers No. 714 of 12 August 2020.

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